

104TH CONGRESS  
2D SESSION

# S. 2062

To amend the Juvenile Justice and Delinquency Prevention Act of 1974,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 1996

Mr. DOMENICI introduced the following bill; which was read twice and referred  
to the Committee on the Judiciary

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## A BILL

To amend the Juvenile Justice and Delinquency Prevention  
Act of 1974, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Juvenile Justice Modernization Act of 1996”.

6       (b) **TABLE OF CONTENTS.**—The table of contents for  
7       this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings.

### TITLE I—REFORM OF EXISTING PROGRAMS

Sec. 101. Findings and purpose.  
Sec. 102. Definitions.

Sec. 103. Youth violence reduction.  
 Sec. 104. Annual report.  
 Sec. 105. Block grants for State and local programs.  
 Sec. 106. Allocation.  
 Sec. 107. State plans.  
 Sec. 108. Repeals.

## TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

Sec. 201. Incentive grants for accountability-based reforms.

## TITLE III—GENERAL PROVISIONS

Sec. 301. Authorization of appropriations.  
 Sec. 302. Technical and conforming amendments.  
 Sec. 303. Effective date; applicability of amendments.

### 1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) the Nation's juvenile justice system is in  
 4 trouble—facilities are dangerously overcrowded, field  
 5 staff is overworked, and a growing number of chil-  
 6 dren are breaking the law;

7 (2) a redesigned juvenile corrections program  
 8 for the next century should be based on 4 prin-  
 9 ciples—accountability for offenders and their fami-  
 10 lies, restitution for victims, community-based preven-  
 11 tion, and community involvement;

12 (3) existing programs have not adequately re-  
 13 sponded to the particular problems of juvenile  
 14 delinquents in the 1990's;

15 (4) State and local communities, which experi-  
 16 ence directly the devastating failure of the juvenile  
 17 justice system, do not presently have sufficient re-

1 sources to deal comprehensively with the problems of  
2 juvenile crime and delinquency;

3 (5) limited State and local resources are being  
4 unnecessarily wasted complying with overly technical  
5 Federal requirements for “sight and sound” separa-  
6 tion currently in effect under the 1974 Act. Prohib-  
7 iting the commingling of adults and juvenile popu-  
8 lations would achieve this important purpose without  
9 imposing an undue burden on State and local gov-  
10 ernments;

11 (6) limited State and local resources are being  
12 unnecessarily wasted complying with the overly re-  
13 strictive Federal mandate that no juveniles be de-  
14 tained or confined in any jail or lockup for adults.  
15 This mandate is particularly burdensome for rural  
16 communities;

17 (7) the juvenile justice system should give addi-  
18 tional attention to the problem of juveniles who com-  
19 mit serious crimes, with particular attention given to  
20 the area of sentencing;

21 (8) the term “prevention” in the context of this  
22 Act means both ensuring that families have a great-  
23 er chance to raise their children so that those chil-  
24 dren do not engage in criminal or delinquent activi-  
25 ties, and preventing children who have engaged in

1 those activities from becoming permanently en-  
2 trenced in the juvenile justice system;

3 (9) in 1992 alone, there were over 110,000 ju-  
4 venile arrests for violent crimes, and 16.64 times  
5 that number of juvenile arrests for property and  
6 other crimes;

7 (10) in 1994, males ages 14 through 24 con-  
8 stituted only 8 percent of the population but ac-  
9 counted for more than 25 percent of all homicide  
10 victims and nearly half of all convicted murderers;

11 (11) in a survey of 250 judges, 93 percent of  
12 those judges stated that juvenile offenders should be  
13 fingerprinted, 85 percent stated that juvenile crimi-  
14 nal records should be made available to adult au-  
15 thorities, and 40 percent stated that the minimum  
16 age for facing murder charges should be 14 or 15;

17 (12) studies indicate that good parenting skills,  
18 including normative development, monitoring, and  
19 discipline, clearly affects whether children will be-  
20 come delinquent, and adequate supervision of free-  
21 time activities, whereabouts, and peer interaction is  
22 critical to ensure that children do not drift into de-  
23 linquency;

24 (13) 20 years ago, less than half of our Na-  
25 tion's cities reported gang activity, while a genera-

1       tion later, reasonable estimates indicate that there  
2       are now more than 500,000 gang members in more  
3       than 16,000 gangs on the streets of our cities, and  
4       there were more than 580,000 gang crimes in 1993;

5       (14) while the premise of adult corrections is  
6       that incarceration prevents the offender from com-  
7       mitting additional crimes and punishes the offender  
8       by depriving the offender of freedom, the premise of  
9       juvenile corrections and this Act is that, unlike  
10      adults, children have a significant potential to  
11      change and become productive, law-abiding members  
12      of society if the juvenile justice system is premised  
13      upon accountability, consistent imposition of sanc-  
14      tions and graduated sanctions imposed so that every  
15      wrongful Act has a penalty;

16      (15) the high incidence of delinquency in the  
17      United States today results in an enormous annual  
18      cost and an immeasurable loss of human life, per-  
19      sonal security, and wasted human resources; and

20      (16) juvenile delinquency constitutes a growing  
21      threat to the national welfare, requiring immediate  
22      and comprehensive action by the Federal Govern-  
23      ment to reduce and eliminate this threat.

1     **TITLE I—REFORM OF EXISTING**  
 2                     **PROGRAMS**

3     **SEC. 101. FINDINGS AND PURPOSE.**

4             (a) FINDINGS.—Section 101 of the Juvenile Justice  
 5 and Delinquency Prevention Act of 1974 (42 U.S.C. 5601)  
 6 is amended—

7                     (1) by striking subsection (a); and

8                     (2) in subsection (b)—

9                             (A) by striking “(b)”; and

10                            (B) by striking “Federal Government” and  
 11 inserting “Federal, State, and local govern-  
 12 ments”.

13             (b) PURPOSE.—Section 102 of the Juvenile Justice  
 14 and Delinquency Prevention Act of 1974 (42 U.S.C. 5602)  
 15 is amended to read as follows:

16     **“SEC. 102. PURPOSES.**

17             “The purposes of this title and title II are—

18                     “(1) to assist State and local governments in  
 19 promoting public safety by supporting juvenile delin-  
 20 quency prevention and control activities;

21                     “(2) to encourage and promote programs de-  
 22 signed to keep in school juvenile delinquents expelled  
 23 or suspended for disciplinary reasons;

24                     “(3) to assist State and local governments in  
 25 promoting public safety by encouraging accountabil-

1       ity through the imposition of meaningful sanctions  
2       for acts of juvenile delinquency;

3           “(4) to assist State and local governments in  
4       promoting public safety by improving the extent, ac-  
5       curacy, availability and usefulness of juvenile court  
6       and law enforcement records and the openness of  
7       the juvenile justice system;

8           “(5) to assist State and local governments in  
9       promoting public safety by encouraging the identi-  
10      fication of violent and hardcore juveniles and trans-  
11      ferring such juveniles out of the jurisdiction of the  
12      juvenile justice system and into the jurisdiction of  
13      adult criminal court;

14          “(6) to assist State and local governments in  
15      promoting public safety by providing resources to  
16      States to build or expand juvenile detention facili-  
17      ties;

18          “(7) to provide for the evaluation of federally  
19      assisted juvenile crime control programs, and train-  
20      ing necessary for the establishment and operation of  
21      such programs;

22          “(8) to ensure the dissemination of information  
23      regarding juvenile crime control programs by provid-  
24      ing a national clearinghouse; and

1           “(9) to provide technical assistance to public  
2           and private nonprofit juvenile justice and delin-  
3           quency prevention programs.”.

4 **SEC. 102. DEFINITIONS.**

5           Section 103 of the Juvenile Justice and Delinquency  
6 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

7           (1) in paragraph (3), by inserting “punish-  
8           ment,” after “control,”;

9           (2) in paragraph (22)(iii), by striking “and” at  
10          the end;

11          (3) in paragraph (23), by striking the period at  
12          the end and inserting a semicolon; and

13          (4) by adding at the end the following new  
14          paragraphs:

15               “(24) the term ‘serious violent crime’ means—

16                       “(A) murder or nonnegligent man-  
17                       slaughter, or robbery; or

18                       “(B) aggravated assault committed with  
19                       the use of a firearm, kidnaping, felony aggra-  
20                       vated battery, assault with intent to commit a  
21                       serious violent crime, and vehicular homicide  
22                       committed while under the influence of an in-  
23                       toxicating liquor or controlled substance; and



1           “(25) the term ‘serious habitual offender’  
 2 means a juvenile who meets one or more of the fol-  
 3 lowing criteria:

4           “(A) Arrest for a capital, life, or first de-  
 5 gree aggravated sexual offense.

6           “(B) Not less than 5 arrests, with 3 ar-  
 7 rests chargeable as felonies and at least 3 ar-  
 8 rests occurring within the preceding 12 months.

9           “(C) Not less than 10 arrests, with 2 ar-  
 10 rests chargeable as felonies and at least 3 ar-  
 11 rests occurring within the preceding 12 months.

12           “(D) Not less than 10 arrests, with 8 or  
 13 more arrests for misdemeanor crimes involving  
 14 theft, assault, battery, narcotics possession or  
 15 distribution, or possession of weapons, and at  
 16 least 3 arrests occurring within the preceding  
 17 12 months.”.

18 **SEC. 103. YOUTH VIOLENCE REDUCTION.**

19           (a) OFFICE OF YOUTH VIOLENCE REDUCTION.—Sec-  
 20 tion 201 of the Juvenile Justice and Delinquency Preven-  
 21 tion Act of 1974 (42 U.S.C. 5611) is amended—

22           (1) by striking “Office of Juvenile Justice and  
 23 Delinquency Prevention” and inserting “Office of  
 24 Youth Violence Reduction”; and

1           (2) by striking subsections (b) and (c) and in-  
2           serting the following:

3           “(b) ADMINISTRATOR.—The Office shall be headed  
4 by an Administrator (hereafter in this title referred to as  
5 the ‘Administrator’) who—

6           “(1) shall—

7                   “(A) be a career appointee (as that term  
8 is defined in section 3132(a)(4) of title 5, Unit-  
9 ed States Code) serving at the pleasure of the  
10 Attorney General and having experience in juve-  
11 nile justice programs; and

12                   “(B) report to the head of the Office of  
13 Justice Programs; and

14           “(2) may prescribe regulations consistent with  
15 this Act to award, administer, modify, extend, termi-  
16 nate, monitor, evaluate, reject, or deny all grants  
17 and contracts from, and applications for, funds  
18 made available under this title.”.

19           (b) CONCENTRATION OF FEDERAL EFFORTS.—Sec-  
20 tion 204 of the Juvenile Justice and Delinquency Preven-  
21 tion Act of 1974 (42 U.S.C. 5614) is amended—

22           (1) in subsection (a)(1)—

23                   (A) in the first sentence, by inserting be-  
24 fore “diversion” the following: “punishment”;

1 (B) in the first sentence, by inserting be-  
 2 fore the period the following: “, and shall sub-  
 3 mit such plan to the Congress”; and

4 (C) by striking the second sentence;  
 5 (2) in subsection (b)—

6 (A) in paragraph (1), by adding “and” at  
 7 the end; and

8 (B) by striking paragraphs (2) through (7)  
 9 and inserting the following:

10 “(2) reduce duplication among Federal juvenile  
 11 delinquency programs and activities conducted by  
 12 Federal departments and agencies.”;

13 (3) by redesignating subsection (h) as sub-  
 14 section (f); and

15 (4) by striking subsection (i).

16 (c) COORDINATING COUNCIL ON YOUTH VIOLENCE  
 17 REDUCTION.—Section 206 of the Juvenile Justice and  
 18 Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is  
 19 amended—

20 (1) in the section heading, by striking “JUVE-  
 21 NILE JUSTICE AND DELINQUENCY PREVENTION”  
 22 and inserting “YOUTH VIOLENCE REDUCTION”; and

23 (2) by striking “Justice and Delinquency Pre-  
 24 vention” each place that term appears and inserting  
 25 “Youth Violence Reduction”.

1 **SEC. 104. ANNUAL REPORT.**

2 Not later than 180 days after the end of a fiscal year,  
3 the Administrator shall submit to the President, the  
4 Speaker of the House of Representatives, the President  
5 pro tempore of the Senate, and the Governor of each State  
6 a report that contains the following with respect to such  
7 fiscal year:

8 (1) SUMMARY AND ANALYSIS.—A detailed sum-  
9 mary and analysis of the most recent data available  
10 regarding the number of juveniles taken into cus-  
11 tody, the rate at which juveniles are taken into cus-  
12 tody, the number of repeat offenders, the number of  
13 juveniles using weapons, the number of juvenile and  
14 adults victims and the trends demonstrated by the  
15 data required by subparagraphs (A), (B), and (C).  
16 Such summary and analysis shall set out the infor-  
17 mation required by subparagraphs (A), (B), (C), and  
18 (D) separately for juvenile nonoffenders, juvenile  
19 status offenders, and other juvenile offenders. Such  
20 summary and analysis shall separately address with  
21 respect to each category of juveniles specified in the  
22 preceding sentence—

23 (A) the types of offenses with which the ju-  
24 veniles are charged, data on serious violent  
25 crimes committed by juveniles and data on seri-  
26 ous habitual offenders;

1 (B) the race and gender of the juveniles  
2 and their victims;

3 (C) the ages of the juveniles and their vic-  
4 tims;

5 (D) the types of facilities used to hold the  
6 juveniles (including juveniles treated as adults  
7 for purposes of prosecution) in custody, includ-  
8 ing secure detention facilities, secure correc-  
9 tional facilities, jails, and lockups;

10 (E) the number of juveniles who died while  
11 in custody and the circumstances under which  
12 they died;

13 (F) the educational status of juveniles, in-  
14 cluding information relating to learning disabil-  
15 ities, failing performance, grade retention, and  
16 dropping out of school;

17 (G) the number of juveniles who are sub-  
18 stance abusers; and

19 (H) information on juveniles fathering or  
20 giving birth to illegitimate children and whether  
21 these juveniles have assumed financial respon-  
22 sibility for their children.

23 (2) ACTIVITIES FUNDED.—A description of the  
24 activities for which funds are expended under this  
25 part.

1           (3) STATE COMPLIANCE.—A description based  
 2           on the most recent data available of the extent to  
 3           which each State complies with section 223 and with  
 4           the plan submitted under such section by the State  
 5           for such fiscal year.

6           (4) SUMMARY AND EXPLANATION.—A summary  
 7           of each program or activity for which assistance is  
 8           provided under part C or D, an evaluation of the re-  
 9           sults of such program or activity, and a determina-  
 10          tion of the feasibility and advisability of replacing  
 11          such program or activity in other locations.

12          (5) EXEMPLARY PROGRAMS AND PRACTICES.—  
 13          A description of selected exemplary delinquency pre-  
 14          vention programs and accountability based youth vi-  
 15          olence reduction practices.

16 **SEC. 105. BLOCK GRANTS FOR STATE AND LOCAL PRO-**  
 17 **GRAMS.**

18          Section 221 of the Juvenile Justice and Delinquency  
 19          Prevention Act of 1974 (42 U.S.C. 5631) is amended—

20               (1) in subsection (a), by inserting before the pe-  
 21               riod at the end the following: “, including initiatives  
 22               for holding juveniles accountable for any act for  
 23               which they are adjudicated delinquent, increasing  
 24               public awareness of juvenile proceedings, and im-  
 25               proving the content, accuracy, availability, and use-

1       fulness of juvenile court and law enforcement  
 2       records (including fingerprints and photographs)  
 3       and education programs such as funding for ex-  
 4       tended hours for libraries and recreational programs  
 5       which benefit all juveniles”;

6               (2) in subsection (b)—

7                       (A) by striking paragraph (1) and insert-  
 8               ing the following:

9       “(1) Of amounts made available to carry out this part  
 10   in any fiscal year, \$10,000,000 or 1 percent (whichever  
 11   is greater) may be used by the Administrator—

12               “(A) to establish and maintain a clearinghouse  
 13   to disseminate to the States information on juvenile  
 14   delinquency prevention, treatment, and control; and

15               “(B) to provide training and technical assist-  
 16   ance to States to improve the administration of the  
 17   juvenile justice system.”; and

18               (B) in paragraph (2), by striking the last  
 19   sentence.

20   **SEC. 106. ALLOCATION.**

21       Section 222 of the Juvenile Justice and Delinquency  
 22   Prevention Act of 1974 (42 U.S.C. 5632) is amended to  
 23   read as follows:

24   **“SEC. 222. ALLOCATION OF FUNDS.**

25       “(a) ALLOCATION AND DISTRIBUTION OF FUNDS.—

1           “(1) IN GENERAL.—Of the total amount made  
2           available to carry out this part for each fiscal year,  
3           the Administrator shall allocate to each State the  
4           sum of—

5                   “(A) an amount that bears the same rela-  
6                   tion to one-third of such total as the number of  
7                   juveniles in the State bears to the number of  
8                   juveniles in all States;

9                   “(B) an amount that bears the same rela-  
10                  tion to one-third of such total as the number of  
11                  juveniles from families with incomes below the  
12                  poverty line in the State bears to the number  
13                  of such juveniles in all States; and

14                  “(C) an amount that bears the same rela-  
15                  tion to one-third of such total as the average  
16                  annual number of part 1 violent crimes re-  
17                  ported by the State to the Federal Bureau of  
18                  Investigation for the 3 most recent calendar  
19                  years for which such data are available, bears  
20                  to the number of part 1 violent crimes reported  
21                  by all States to the Federal Bureau of Inves-  
22                  tigation for such years.

23           “(2) MINIMUM REQUIREMENT.—Each State  
24           shall receive not less than 0.35 percent of one-third



1 of the total amount appropriated to carry out this  
 2 part for each fiscal year.

3 “(3) UNAVAILABILITY OF INFORMATION.—For  
 4 purposes of this subsection, if data regarding the  
 5 measures governing allocation of funds under para-  
 6 graphs (1) and (2) in any State are unavailable or  
 7 substantially inaccurate, the Administrator and the  
 8 State shall utilize the best available comparable data  
 9 for the purposes of allocation of any funds under  
 10 this part.

11 “(b) AVAILABILITY.—Any amounts made available to  
 12 carry out this section shall remain available until ex-  
 13 pended.”.

14 **SEC. 107. STATE PLANS.**

15 Section 223 of the Juvenile Justice and Delinquency  
 16 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

17 (1) in subsection (a)—

18 (A) by striking the second sentence;

19 (B) in paragraph (5) by striking “, other  
 20 than” and all that follows through “section  
 21 222(d),”; and

22 (C) by striking paragraph (14) and insert-  
 23 ing the following:

24 “(14) provide assurances that, in each secure  
 25 facility located in the State (including any jail or

1 lockup for adults), there is no commingling in the  
 2 same cell or community room of, or any other regu-  
 3 lar contact between—

4 “(A) any juvenile detained or confined for  
 5 any period of time in that facility; and

6 “(B) any adult offender detained or con-  
 7 fined for any period of time in that facility.”;

8 (D) by striking paragraphs (3), (8), (9),  
 9 (10), (12), (13), (15), (17), (18), (19), (24),  
 10 and (25); and

11 (E) by redesignating paragraphs (4), (5),  
 12 (6), (7), (11), (14), (16), (20), (21), (22), and  
 13 (23) as paragraphs (3), (4), (5), (6), (7), (8),  
 14 (9), (10), (11), (12), and (13), respectively; and  
 15 (2) by striking subsections (c) and (d).

16 **SEC. 108. REPEALS.**

17 The Juvenile Justice and Delinquency Prevention Act  
 18 of 1974 (42 U.S.C. 5601 et seq.) is amended—

19 (1) in title II—

20 (A) by striking parts C, E, F, G, and H;

21 (B) by striking part I, as added by Public  
 22 Law 102–586; and

23 (C) by amending the heading of part I, as  
 24 in effect immediately before the date of enact-

1           ment of Public Law 102–586, to read as fol-  
 2           lows:

3           “PART E—GENERAL AND ADMINISTRATIVE  
 4                           PROVISIONS”; and

5           (2) by striking title V, as added by Public Law  
 6           102–586.

7   **TITLE II—INCENTIVE GRANTS**  
 8   **FOR ACCOUNTABILITY-BASED**  
 9   **REFORMS**

10 **SEC. 201. INCENTIVE GRANTS FOR ACCOUNTABILITY-**  
 11 **BASED REFORMS.**

12       Title II of the Juvenile Justice and Delinquency Pre-  
 13   vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended  
 14   by inserting after part B the following:

15   “PART C—INCENTIVE GRANTS FOR ACCOUNTABILITY-  
 16                           BASED REFORMS

17 **“SEC. 241. AUTHORIZATION OF GRANTS.**

18       “The Administrator shall provide juvenile delinquent  
 19   accountability grants under section 242 to eligible States  
 20   to carry out the purposes of this title.

21 **“SEC. 242. ACCOUNTABILITY-BASED INCENTIVE GRANTS.**

22       “(a) ELIGIBILITY FOR GRANT.—To be eligible to re-  
 23   ceive a grant under section 241, a State shall submit to  
 24   the Administrator an application at such time, in such  
 25   form, and containing such assurances and information as

1 the Administrator may require by rule, including assur-  
2 ances that the State has in effect (or will have in effect  
3 not later than 1 year after the date on which the State  
4 submits such application) laws, or has implemented (or  
5 will implement not later than 1 year after the date on  
6 which the State submits such application)—

7           “(1) policies and programs that ensure that ju-  
8 veniles who commit an act after attaining 14 years  
9 of age that would be a serious violent crime if com-  
10 mitted by an adult are treated as adults for pur-  
11 poses of prosecution;

12           “(2) graduated sanctions for juvenile offenders,  
13 ensuring a sanction for every delinquent or criminal  
14 act, ensuring that the sanction is of increasing se-  
15 verity based on the nature of the act, and escalating  
16 the sanction with each subsequent delinquent or  
17 criminal act; and

18           “(3) a system of records relating to any adju-  
19 dication of juveniles less than 15 years of age who  
20 are adjudicated delinquent for conduct that if com-  
21 mitted by an adult would constitute a serious violent  
22 crime. Such records shall be—

23           “(A) equivalent to the records that would  
24 be kept of adults arrested for such conduct, in-  
25 cluding fingerprints and photographs;

1           “(B) submitted to the Federal Bureau of  
2           Investigation in the same manner as adult  
3           records are so submitted;

4           “(C) retained for a period of time that is  
5           equal to the period of time records are retained  
6           for adults; and

7           “(D) available to law enforcement agen-  
8           cies, the courts, and school officials (and such  
9           school officials shall be subject to the same  
10          standards and penalties that law enforcement  
11          and juvenile justice system employees are sub-  
12          ject to under Federal and State law, for han-  
13          dling and disclosing such information).

14          “(b) ADDITIONAL AMOUNT BASED ON ACCOUNT-  
15          ABILITY-BASED YOUTH VIOLENCE REDUCTION PRAC-  
16          TICES.—A State that receives a grant under subsection  
17          (a) is eligible to receive an additional amount of funds  
18          added to such grant if such State demonstrates that the  
19          State has in effect, or will have in effect, not later than  
20          1 year after the deadline established by the Administrator  
21          for the submitting of applications under subsection (a) for  
22          the fiscal year at issue, not less than 5 of the following  
23          practices:

24               “(1) VICTIMS’ RIGHTS.—Increased victims’  
25          rights, including the right to a final conclusion free

1 from unreasonable delay, and the right to be notified  
2 of any release or escape of an offender who commit-  
3 ted a crime against a particular victim.

4 “(2) VICTIM RESTITUTION.—Mandatory victim  
5 restitution.

6 “(3) ACCESS TO PROCEEDINGS.—Public access  
7 to juvenile court proceedings.

8 “(4) PARENTAL RESPONSIBILITY.—Juvenile  
9 curfews and parental civil liability for serious acts  
10 committed by juveniles released to the custody of  
11 their parents by the court.

12 “(5) ZERO TOLERANCE FOR DEADBEAT JUVE-  
13 NILE PARENTS.—Require as condition of parole  
14 that—

15 “(A) juvenile offenders who are parents  
16 demonstrate parental responsibility by working  
17 and paying child support; and

18 “(B) juveniles attend and successfully com-  
19 plete school or pursue vocational training.

20 “(6) SERIOUS HABITUAL OFFENDERS COM-  
21 PREHENSIVE ACTION PROGRAM (SHOCAP).—A multi-  
22 disciplinary, interagency management, information  
23 and monitoring system for the early identification,  
24 control, supervision, and treatment of the most seri-  
25 ous juvenile offenders.

1           “(7) COMMUNITY-WIDE PARTNERSHIPS.—Com-  
2           munity-wide partnerships involving county, municipi-  
3           pal government, school districts, appropriate State  
4           agencies, and nonprofit organizations to administer  
5           a unified approach to juvenile delinquency.

6           “(8) ZERO TOLERANCE FOR TRUANCY.—School  
7           districts should implement programs to curb truancy  
8           and implement certain and swift punishments for  
9           truancy, including parental notification of every ab-  
10          sence, mandatory Saturday school makeup sessions  
11          for truants or weekends in jail for truants and de-  
12          nial of participation or attendance at extracurricular  
13          activities by truants.

14          “(9) ALTERNATIVE SCHOOLING.—A require-  
15          ment that, as a condition of receiving any State  
16          funding provided to school districts in accordance  
17          with a formula allocation based on the number of  
18          children enrolled in school in the school district, each  
19          school district shall establish one or more alternative  
20          schools or classrooms for juvenile offenders or juve-  
21          niles who are expelled or suspended for disciplinary  
22          reasons and shall require that such juveniles attend  
23          the alternative schools or classrooms. Any juvenile  
24          who refuses to attend such alternative school or  
25          classroom shall be immediately detained pending a

1 hearing. If a student is transferred from a regular  
 2 school to an alternative school for juvenile offenders  
 3 or juveniles who are expelled or suspended for dis-  
 4 ciplinary reasons such State funding shall also be  
 5 transferred to the alternative school.

6 “(10) JUDICIAL JURISDICTION.—A system  
 7 under which municipal and magistrate courts have—

8 “(A) jurisdiction over minor delinquency  
 9 offenses such as truancy, curfew violations, and  
 10 vandalism; and

11 “(B) short term detention authority for  
 12 habitual minor delinquent behavior.

13 “(11) ELIMINATION OF CERTAIN INEFFECTIVE  
 14 PENALTIES.—Eliminate ‘counsel and release’ or  
 15 ‘refer and release’ as a penalty for juveniles with re-  
 16 spect to the second or subsequent offense for which  
 17 the juvenile is referred to a juvenile probation offi-  
 18 cer.

19 “(12) REPORT BACK ORDERS.—A system of ‘re-  
 20 port back’ orders whenever juveniles are placed on  
 21 probation, so that after a period of time (not to ex-  
 22 ceed 2 months) the juvenile appears before and ad-  
 23 vises the judge of the progress of the juvenile in  
 24 meeting certain goals.



1           “(13) PENALTIES FOR USE OF FIREARM.—  
 2       Mandatory penalties for the use of a firearm during  
 3       a violent crime or a drug felony.

4           “(14) STREET GANGS.—Make it illegal to en-  
 5       gage in criminal conduct as a member of a street  
 6       gang and impose severe penalties for terrorism by  
 7       criminal street gangs.

8           “(15) CHARACTER COUNTS.—Character edu-  
 9       cation and training for juvenile offenders.

10          “(16) MENTORING.—Mentoring programs for  
 11       at-risk youth.

12          “(17) DRUG COURTS AND COMMUNITY-ORI-  
 13       ENTED POLICING STRATEGIES.—Courts for juveniles  
 14       charged with drug offenses and community-oriented  
 15       policing strategies.

16   **“SEC. 243. FORMULAS FOR GRANTS.**

17       “The amount made available for any fiscal year for  
 18       grants under section 241 shall be allocated among the  
 19       States proportionately on the basis of the number of resi-  
 20       dents of such States who are less than 18 years of age,  
 21       in accordance with the following:

22           “(1) 50 percent shall be allocated among the  
 23       States that meet the requirements of section 242(a).

1           “(2) 50 percent shall be allocated among the  
2       States that meet the requirements of subsections (a)  
3       and (b) of section 242.

4   **“SEC. 244. ACCOUNTABILITY.**

5       “A State that receives a grant under section 241 shall  
6   use accounting, audit, and fiscal procedures that conform  
7   to guidelines prescribed by the Administrator, and shall  
8   ensure that any funds used to carry out section 241 shall  
9   represent the best value for the State at the lowest pos-  
10   sible cost and employ the best available technology.

11   **“SEC. 245. LIMITATION ON USE OF FUNDS.**

12       “(a)   NONSUPPLANTING    REQUIREMENT.—Funds  
13   made available under section 241 shall not be used to sup-  
14   plant State funds, but shall be used to increase the  
15   amount of funds that would, in the absence of Federal  
16   funds, be made available from State sources.

17       “(b)   ADMINISTRATIVE AND RELATED COSTS.—Not  
18   more than 2 percent of the funds appropriated under sec-  
19   tion 291(c) for a fiscal year shall be available to the Ad-  
20   ministrator for such fiscal year for purposes of—

21           “(1) research and evaluation, including assess-  
22       ment of the effect on public safety and other effects  
23       of the expansion of correctional capacity and sen-  
24       tencing reforms implemented pursuant to this part;  
25       and

1           “(2) technical assistance relating to the use of  
2           grants made under section 241, and development  
3           and implementation of policies, programs, and prac-  
4           tices described in section 242.

5           “(c) CARRYOVER OF APPROPRIATIONS.—Funds ap-  
6           propriated under section 291(c) shall remain available  
7           until expended.

8           “(d) MATCHING FUNDS.—The Federal share of a  
9           grant received under this part may not exceed 90 percent  
10          of the costs of a proposal as described in an application  
11          approved under this part.”.

## 12                   **TITLE III—GENERAL** 13                   **PROVISIONS**

### 14   **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

15          Section 299 of the Juvenile Justice and Delinquency  
16          Prevention Act of 1974 (42 U.S.C. 5671) is amended to  
17          read as follows:

#### 18   **“SEC. 291. AUTHORIZATION OF APPROPRIATIONS.**

19          “(a) OFFICE OF YOUTH VIOLENCE REDUCTION.—  
20          There are authorized to be appropriated for each of fiscal  
21          years 1997, 1998, 1999, 2000, and 2001 such sums as  
22          may be necessary to carry out part A.

23          “(b) BLOCK GRANTS FOR STATE AND LOCAL PRO-  
24          GRAMS.—There is authorized to be appropriated to carry

1 out part B \$250,000,000 for each of fiscal years 1997,  
 2 1998, 1999, 2000, and 2001.

3 “(c) INCENTIVE GRANTS FOR ACCOUNTABILITY-  
 4 BASED REFORMS.—There is authorized to be appro-  
 5 priated to carry out part C \$250,000,000 for each of fiscal  
 6 years 1997, 1998, 1999, 2000, and 2001.

7 “(d) SOURCE OF APPROPRIATIONS.—Funds author-  
 8 ized by this section to be appropriated may be appro-  
 9 priated from the Violent Crime Reduction Trust Fund.”.

10 **SEC. 302. TECHNICAL AND CONFORMING AMENDMENTS.**

11 (a) JUVENILE JUSTICE AND DELINQUENCY PREVEN-  
 12 TION ACT OF 1974.—The Juvenile Justice and Delin-  
 13 quency Prevention Act of 1974 (42 U.S.C. et seq.) is  
 14 amended—

15 (1) in part A, by striking the part designation  
 16 and the part heading and inserting the following:

17 “OFFICE OF YOUTH VIOLENCE REDUCTION”;

18 (2) in section 217(a), by striking “Office of Ju-  
 19 venile Justice and Delinquency Prevention” and in-  
 20 serting “Office of Youth Violence Reduction”;

21 (3) in part B, in the part heading, by striking  
 22 “FEDERAL ASSISTANCE” and inserting “BLOCK  
 23 GRANTS”;

1 (4) in section 222, by striking “Office of Juve-  
 2 nile Justice and Delinquency Prevention” and in-  
 3 serting “Office of Youth Violence Reduction”;

4 (5) in section 299A, by striking “this Act” each  
 5 place that term appears and inserting “this title”;

6 (6) by striking section 299C;

7 (7) in section 299D—

8 (A) in subsection (b), by striking “Except  
 9 as provided in the second sentence of section  
 10 222(c), financial” and inserting “Financial”;  
 11 and

12 (B) by striking subsection (d);

13 (8) by redesignating sections 299A, 299B, and  
 14 299D as sections 292, 293, and 294, respectively;

15 (9) in section 385(c), by striking “Office of Ju-  
 16 venile Justice and Delinquency Prevention” and in-  
 17 serting “Office of Youth Violence Reduction”; and

18 (10) in section 403(2), by striking “Office of  
 19 Juvenile Justice and Delinquency Prevention” and  
 20 inserting “Office of Youth Violence Reduction”.

21 (b) TITLE 5.—Section 5315 of subchapter II of chap-  
 22 ter 53 of title 5, United States Code, is amended by strik-  
 23 ing “Office of Juvenile Justice and Delinquency Preven-  
 24 tion” and inserting “Office of Youth Violence Reduction”.

1 (c) TITLE 18.—Section 4351(b) of title 18, United  
 2 States Code, is amended by striking “Office of Juvenile  
 3 Justice and Delinquency Prevention” and inserting “Of-  
 4 fice of Youth Violence Reduction”.

5 (d) TITLE 39.—Section 3220 of title 39, United  
 6 States Code, is amended by striking “Office of Juvenile  
 7 Justice and Delinquency Prevention” each place that term  
 8 appears and inserting “Office of Youth Violence Reduc-  
 9 tion”.

10 (e) SOCIAL SECURITY ACT.—Section 463(f) of the  
 11 Social Security Act (42 U.S.C. 663(f)) is amended by  
 12 striking “Office of Juvenile Justice and Delinquency Pre-  
 13 vention” and inserting “Office of Youth Violence Reduc-  
 14 tion”.

15 (f) OMNIBUS CRIME CONTROL AND SAFE STREETS  
 16 ACT OF 1968.—The Omnibus Crime Control and Safe  
 17 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amend-  
 18 ed—

19 (1) in section 102(a)(5), by striking “Office of  
 20 Juvenile Justice and Delinquency Prevention” and  
 21 inserting “Office of Youth Violence Reduction”;

22 (2) in section 801, by striking “Office of Juve-  
 23 nile Justice and Delinquency Prevention” each place  
 24 that term appears and inserting “Office of Youth  
 25 Violence Reduction”;

1           (3) in section 804, by striking “Office of Juve-  
2       nile Justice and Delinquency Prevention” each place  
3       that term appears and inserting “Office of Youth  
4       Violence Reduction”;

5           (4) in section 805, by striking “Office of Juve-  
6       nile Justice and Delinquency Prevention” and in-  
7       serting “Office of Youth Violence Reduction”;

8           (5) in section 813, by striking “Office of Juve-  
9       nile Justice and Delinquency Prevention” and in-  
10      serting “Office of Youth Violence Reduction”;

11          (6) in section 1701(a), by striking “Office of  
12      Juvenile Justice and Delinquency Prevention” and  
13      inserting “Office of Youth Violence Reduction”; and

14          (7) in section 2501(a)(2), by striking “Office of  
15      Juvenile Justice and Delinquency Prevention” and  
16      inserting “Office of Youth Violence Reduction”.

17      (g) VICTIMS OF CHILD ABUSE ACT.—Sections 217  
18      and 222 of the Victims of Child Abuse Act (42 U.S.C.  
19      13013, 13022) are amended by striking “Office of Juve-  
20      nile Justice and Delinquency Prevention” each place that  
21      term appears and inserting “Office of Youth Violence Re-  
22      duction”.

23      (h) NATIONAL CHILD PROTECTION ACT OF 1993.—  
24      Section 2(f) of the National Child Protection Act of 1993  
25      (42 U.S.C. 5119(f)) is amended by striking “Office of Ju-

1 juvenile Justice and Delinquency Prevention” and inserting  
 2 “Office of Youth Violence Reduction”.

3 (i) OTHER REFERENCES.—Any reference in any Fed-  
 4 eral law, Executive order, rule, regulation, or delegation  
 5 of authority, or any document of or relating to the Office  
 6 of Juvenile Justice and Delinquency Prevention estab-  
 7 lished under section 201 of the Juvenile Justice and Delin-  
 8 quency Prevention Act of 1974, as in effect on the day  
 9 before the date of enactment of this Act, shall be deemed  
 10 to refer to the Office of Youth Violence Reduction estab-  
 11 lished under section 201 of the Juvenile Justice and Delin-  
 12 quency Prevention Act of 1974, as amended by this Act.

13 **SEC. 303. EFFECTIVE DATE; APPLICABILITY OF AMEND-**  
 14 **MENTS.**

15 (a) EFFECTIVE DATE.—Except as provided in sub-  
 16 section (b), this Act and the amendments made by this  
 17 Act shall take effect on the first day of the first fiscal  
 18 year beginning after the date of enactment of this Act.

19 (b) APPLICABILITY OF AMENDMENTS.—The amend-  
 20 ments made by this Act shall not apply with respect to  
 21 any fiscal year beginning before the effective date of this  
 22 Act.

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